

## **REMARKS**

---

This preliminary amendment is being filed concurrently with the continuation utility application prior to any action taken by the Patent Office on the application herein and introduces no new matter.

The statements and amendments made herein with respect to the outstanding claims are not intended to reflect any position with regard to the original claims whether or not cancelled herein. Furthermore, the cancellation of the cancelled claims is not intended to reflect on the merits of the cancelled claims or the merits of any statements or conclusions offered by the Examiner. The cancellation of certain claims is made herein solely for the purpose of obtaining immediate examination of the outstanding elected claims. Applicant expressly reserves all rights to challenge, during the prosecution of any subsequent related application, the Examiner's grounds for restriction of the elected and the cancelled claims.

If the Examiner believes that a telephone conference would be of value in expediting the prosecution of the present application, Applicant invites the Examiner to contact the undersigned counsel to arrange for such a conference. Applicant believes and contends that all of the foregoing new claims represent a single patentable invention, but if the Examiner should take a contrary position, Applicant would provisionally elect the foregoing method claims for the sole purpose of advancing the prosecution of the present application, without prejudice to any future prosecution of any non-elected claims.

With the above-referenced preliminary amendments, it is believed that the application is in a condition for examination, and Applicant respectfully requests Examiner to pass the

Patent  
04-13276


application onto allowance. Applicant submits concurrently herewith a fee transmittal form and a check in the amount of the necessary filing fee.

It is not believed that any additional fees are due; however, in the event any additional fees are due, the Examiner is authorized to charge Applicant's attorney's deposit account no. 03-2030.

Respectfully submitted,

CISLO & THOMAS LLP

Date: February <sup>27<sup>th</sup></sup> 2004

  
Daniel M. Cislo  
Reg. No. 32,973

CISLO & THOMAS LLP  
233 Wilshire Boulevard, Suite 900  
Santa Monica, California 90401  
Tel: (310) 451-0647  
Fax: (310) 394-4477  
www.cislo.com

Z:\TMD\DOCS\03-11673\PRELIM AMENDMENT.PTO.DOC